

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY PARIS

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USOECN

E.O. 11652: N/A

TAGS: ENRG, OECD

SUBJECT: SECRETARIAT APPRAISAL REPORT OF AST-2

THE MISSION SHOULD DELIVER THE FOLLOWING MESSAGE TO
DR. LANTZKE.

1) A PAPER PREPARED BY DR. KOENIG ENTITLED "AST-2
APPRAISAL REPORT" IN PARAGRAPH 12 ADDRESSES THE ANTITRUST
MONITORING ROLE OF THE U.S.G. DURING AST-2. PARAGRAPH 12
CONCLUDES WITH THE FOLLOWING SENTENCE: QUOTE IT HAS
THEREFORE BEEN PROPOSED BY THE SEQ EMERGENCY GROUP THAT
STANDARD CLEARANCE PROCEDURES BE WORKED (SIC) BY THE SEQ
WITH ASSISTANCE OF THE IAB IN ORDER TO AVOID THAT DURING
A REAL CRISIS, MAJOR LEGAL OBSTACLES PREVENT THE EFFICIENT
START-UP AND EXECUTION OF THE INTERNATIONAL SHARING
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ACCORDING TO THE IEP AGREEMENT, AND OBSERVERS UNDULY
INTERFERE WITH THE ALLOCATION PROCESS. UNQUOTE.

2) U.S. ANTITRUST CLEARANCES ARE BASED ON SPECIFIC U.S.
LEGAL REQUIREMENTS WITH RESPECT TO ACTIVITIES OF U.S.
COMPANIES. THE REQUIREMENTS CAN ONLY BE ADDRESSED IN THE
CONTEXT OF U.S. LAW. DEVELOPMENT OF STANDARD CLEARANCE

PROCEDURES CANNOT APPROPRIATELY BE DONE IN AN INTERNATIONAL
CONTEXT THOUGH THE U.S.G. WILL MAKE EVERY EFFORT TO MEET

THE CONCERNS REFLECTED IN PARAGRAPH 12. ACCORDINGLY,
WE DO NOT BELIEVE THAT DISCUSSION OF THIS ISSUE AT NEXT
SEQ MEETING WOULD SERVE ANY USEFUL PURPOSE AND STRONGLY
RECOMMEND THAT IT NOT BE INCLUDED ON THE AGENDA. WE
BELIEVE THAT THE APPROPRIATE WAY TO ADDRESS THE PROBLEMS
WHICH AROSE IN AST-2 IS FOR U.S. COMPANIES TO DEVELOP
SPECIFIC RECOMMENDATIONS AS TO CONTENTS OF ANY NEW
CLEARANCE LETTER AND DISCUSS THESE WITH U.S. AUTHORITIES.
THE IAB MAY ESTABLISH A SEPARATE LEGAL GROUP TO DO THIS.

3) ALSO THE FOLLOWING REVISIONS TO THE DRAFT PAPER
WOULD IMPROVE ITS ACCURACY:

A. REFERENCE TO U.S.G. OBSERVERS MONITORING THE TEST
SHOULD BE CHANGED TO REFLECT THAT SUCH OBSERVERS MONITORED
ONLY U.S. COMPANY PARTICIPATION IN THE TEST AND DID NOT
MAKE ANY RECOMMENDATIONS OR OBSERVATIONS WITH RESPECT TO
ITEMS WHICH COULD BE SEEN BY NON-U.S. COMPANIES.

B. REFERENCE TO U.S.G. OBSERVERS "POLICING INFORMATION"
TO BE GIVEN TO ISAG CREATES A MISIMPRESSION. U.S.G.
REVIEW OF INFORMATION TO BE GIVEN TO U.S. ISAG MEMBERS
WAS LIMITED AND WAS DONE AT THE REQUEST OF ISAG COUNSEL
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AND NOT AT INITIATIVE OF U.S.G. IN FACT, U.S.G. MADE
MAJOR SUCCESSFUL EFFORT TO SOLVE CLEARANCE PROBLEMS WHICH
CREATED ISAG COUNSEL'S CONCERN. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REPORTS, TEXT, ANTITRUST, MONITORING, SECRETARIAT
Control Number: n/a
Copy: SINGLE
Draft Date: 12 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
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Format: TEL
From: STATE
Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1978/newtext/t19780669/aaaachel.tel
Line Count: 97
Litigation Code IDs:
Litigation Codes:
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Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
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Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
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TAGS: ENRG, OECD
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